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# **STANDING PROCEDURAL AFFAIRS COMMITTEE**

## **REPORT on WITNESSES BEFORE COMMITTEES**

Tabled in the Legislative Assembly  
by  
Mike Breagh, MPP, Chairman  
Fourth Session, 31st Parliament  
29 Elizabeth II





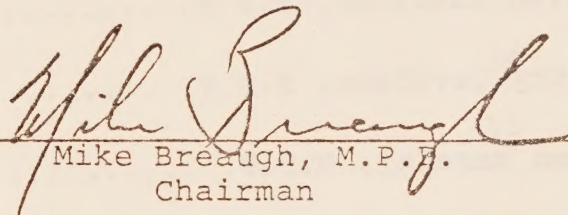



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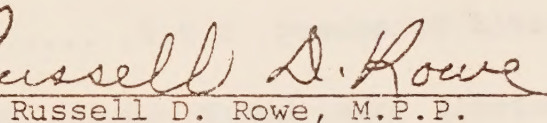
Honourable John Stokes, M.P.P.,  
Speaker of the Legislative Assembly.

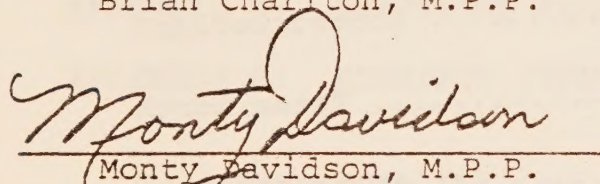
Dear Sir:

We, the undersigned members of the Standing Procedural Affairs Committee, having reviewed the privileges and protections for witnesses appearing before legislative committees, in accordance with the Order of the Assembly dated June 28, 1977, have the honour to submit the attached Report.

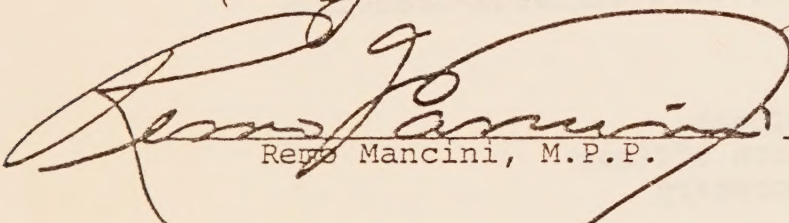
  
Mike Breugh, M.P.P.  
Chairman

  
Brian Charlton, M.P.P.

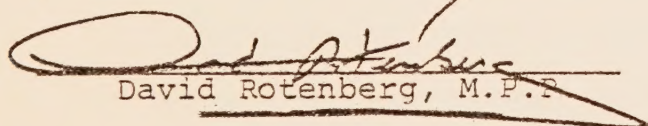
  
Russell D. Rowe, M.P.P.

  
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Enzo Mancini, M.P.P.

  
Norman Sterling, M.P.P.

  
David Rotenberg, M.P.P.



THE STANDING PROCEDURAL AFFAIRS COMMITTEE

THE LEGISLATIVE ASSEMBLY OF ONTARIO

FOURTH SESSION: THIRTY-FIRST PARLIAMENT

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## INTRODUCTION

In its Fourth Report, the Ontario Commission on the Legislature recommended that the Standing Orders spell out in greater detail provisions governing the examination of witnesses before committees and their possible right to counsel.<sup>1</sup> The Select Committee which studied the Commission's Fourth and Fifth Reports concurred, but offered no further comments.<sup>2</sup> The Order of the House which established the Procedural Affairs Committee charged it with reviewing the Commission's recommendations.

The Committee has looked into the matter of witnesses before committees in some detail. In this endeavour, the Committee received valuable assistance from the Clerk of the House and the Senior Legislative Counsel as well as from the Committee's own staff. In debating its principles and details, the Committee has come to appreciate this topic's complexity, and thus how important it is that possible changes be evaluated with extreme care. Nevertheless, the Committee is of the view that the current situation is not at all satisfactory. The Committee is also convinced that more than revisions to the Standing Orders are called for. The Legislative Assembly Act will likely require amendment.

1 Fourth Report (September, 1975), p.73.

2 Second Interim Report of the Select Committee on the Fourth and Fifth Reports of the Ontario Commission on the Legislature (June, 1976), p.29.

Although the Committee has been able to agree to certain basic principles, it does not wish to propose specific changes now. This reflects the Committee's wish that all possible ramifications of any changes be fully explored and understood. Moreover the Committee is frankly uncertain how to reconcile the sometimes contradictory implications of the basic principles.

In consequence, the Committee's principal recommendation will be that the House resolve to request that the Attorney General direct the Ontario Law Reform Commission to conduct a thorough review of the subject of witnesses before legislative committees. The Committee is not aware of any authoritative statement on this matter by any Canadian Legislature or judicial body, but does feel strongly the need for such a pronouncement. The expertise and independence which are the Commission's hallmarks make it ideally suited to offer a review of this kind. Any proposals the Commission might put forward would, of course, be in a purely advisory capacity; the Legislature would have to judge them for itself and would retain all responsibility for implementing any changes.

This report, then, sets out the Committee's thinking on the central issues pertaining to witnesses before Committees, with particular emphasis on their rights and the protection afforded them. The report has a two-fold purpose: first, to draw the whole



subject to Members' attention and to stimulate informed discussion of the difficult questions involved. One aspect of this involves clearing up some of the misconceptions many Members have about witnesses: for example, the significance of the oath sworn by witnesses is sometimes misunderstood. The second purpose is to seek the guidance of the Law Reform Commission.

The possibility of formally distinguishing types of witnesses is discussed below; throughout this report, however, the term "witness" applies to any person appearing before a legislative committee or subcommittee.

#### THE CURRENT SITUATION

Witnesses have been appearing before committees of this Legislature for a very long time, but in recent years the extent of this practice has grown substantially. Committees frequently invite people with special knowledge in a given field to come before them to offer information and opinion, or invite civil servants to explain some point of government policy or administration. Less frequently, committees employ the authority extended them by section 35 of The Legislative Assembly Act to summon witnesses before them. In addition, committees increasingly hold public hearings on specific topics or bills. Notice of these hearings is often widely advertised in the press, and submissions invited; normally anyone who so requests is afforded an opportunity to speak before the committee.



It is commonly believed that these different types of witnesses enjoy different statuses before committees, but the committee has seen no convincing demonstration that this is so. The view that such distinctions should be drawn formally is discussed below.

Witnesses appearing before a committee are rarely made aware of the protection and privileges available to them, nor are they often cautioned about the possible consequences of giving false evidence to the committee. Sometimes witnesses are asked to swear the oath prescribed in section 58 of The Legislative Assembly Act, that "the evidence you shall give to the Committee touching the subject of the present inquiry shall be the truth, the whole truth, and nothing but the truth".

In most public hearing situations, witnesses are not pre-screened, so that Members often have no idea what a witness will say before them. This leaves the Committee little control over the statements made before it. Usually the Chairman has neither the training nor the inclination to cut off improper remarks by witnesses, except in the most extreme circumstances.

#### BASIC PRINCIPLES

In the Committee's view, three basic principles must guide any consideration of witnesses before committees:

1) Fairness

Since the operation of parliamentary committees



is only vaguely understood by most people and since appearing before a committee can be an intimidating experience, the Members of the Committee are concerned that fairness prevail with respect to witnesses. For the most part, this entails fairness to witnesses in ensuring that they understand the process fully, but it also involves fairness to persons about whom witnesses may comment.

2) Clarity

It is essential that the rights, protections and obligations of witnesses be clearly understood by all concerned. Current practice depends too much on interpretation of unwritten traditions; this leads to uncertainty and misunderstanding. Witnesses and Members alike would benefit from having a clear, comprehensive and authoritative statement of the law relating to committee witnesses; the best place for this would be in The Legislative Assembly Act.

3) Committees are unique institutions

Enquiries conducted by committees are like no other enquiries. They are political enquiries, conducted for the purposes of the Members of the Assembly. On occasion, legislative committees mount investigations of a very serious nature into allegations of wrongdoing or impropriety and must be extremely careful about the procedures under which witnesses give evidence. Although the trappings are court-like, however, such enquiries differ in their fundamental nature from judicial enquiries or

proceedings in a court of law, and this difference must be taken into account.

More frequently, committees consider estimates or legislation, or study a specific policy issue, and hear witnesses to elicit information and to permit the public to voice its opinion to its elected representatives. Although the Committee feels that too much laxity currently exists, it has no wish to see committees engaged in such work becoming overly formal with witnesses or becoming enmeshed in the technicalities of the rules of evidence. The Committee would not, for example, support the notion of an adversarial process for public hearings on bills, in which witnesses would cross-examine one another.

Procedures relating to witnesses are in need of revision and clarification, but care must be taken that so many formalities are not imposed that proceedings are bogged down, witnesses intimidated and the exchange of information and opinion between witnesses and Members impeded. As the Australian Joint Committee on the Parliamentary Committee System aptly put it, "the basic rule of evidence (in committee) should be commonsense".<sup>3</sup>

#### PRIVILEGES OF WITNESSES

It is a well-established principle in the Parliament of Canada, and in Westminster, that "witnesses before committees share the same privilege of freedom of speech as

3. Joint Committee on the Parliamentary Committee System, A New Parliamentary Committee System, Parliamentary Paper No. 128/1976, p.89.



Members. Nothing said before a committee ... may be used in a court of law".<sup>4</sup> Similarly, senior officers of the House put forward to the Committee the view that all witnesses appearing before a Committee of the Legislature are automatically extended the same privileges as Members in terms of immunity from civil proceedings for anything they say before a committee. This view is premised on a traditions-of-Parliament interpretation of the privileges inherited from Westminster, rather than on the provisions of The Legislative Assembly Act. In effect, the argument is that witnesses enjoy the same status as Members as far as section 37 of the Act is concerned, even though they are not mentioned in it. (This section sets out Members' privileges with respect to their statements in the House or in committee; see Appendix B for the text).

This is not, however, a universally accepted view. There exists a school of thought which holds that the Ontario Legislature does not necessarily enjoy the inherent powers and privileges of the British Parliament. The implication of this view is that witnesses may not be protected by privilege. The Committee does not accept this position, but it does think it would be sensible to remove all possible doubt.

The situation with respect to criminal proceedings is less clear cut. Early last year the Chairman of the

<sup>4</sup> Beauchesne's Rules and Forms of the House of Commons of Canada (Fifth Edition, 1978), p.24.

Standing Resources Development Committee asked the Attorney General for an opinion on the following question: "To what extent does the privilege mentioned in the parliamentary law texts offer protection to witnesses?" The reply, in a letter dated February 22, 1979, stated, in part:

The Courts will refuse to entertain an action on the basis of slander where the alleged slander occurred in testimony by a witness before a committee of the Legislature. The testimony of a witness before a committee may not be used against him in a subsequent criminal prosecution without the consent of the Legislature. The bringing of an action against a witness is a matter which may be treated by the Legislature as a breach of privilege or contempt of the Legislature and may be punished as such.

However, this interpretation is called into question somewhat by a recent decision in the Ontario Court of Appeal. In a reference on the question of the courts compelling an MPP to testify in a criminal matter, the Court ruled that it is unconstitutional for the provincial Assembly to legislate with respect to the laws of evidence in criminal proceedings, for this is the exclusive jurisdiction of the Parliament of Canada.<sup>5</sup> By extension, this decision raises doubts as to the freedom of committee witnesses from criminal prosecution as a result of their statements, in that the Legislature has no constitutional authority to offer them protection. The Committee is not aware of any case law on this point.

Witnesses do, of course, retain the right to invoke

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<sup>5</sup> Reference re Legislative Privilege, 83 D.L.R. (3d), 161.



The Canada Evidence Act. As explained in a memorandum to the Committee from the Senior Legislative Counsel,

At common law there was a principle that a person could not be compelled to give evidence that might incriminate him. By section 5 of The Canada Evidence Act and section 9 of The Ontario Evidence Act this privilege was removed and the person can be compelled to answer but if the protection of that section is claimed then the evidence cannot be used against him in subsequent proceedings, except in a prosecution for perjury. This does not mean that the knowledge obtained from the evidence cannot be acted upon to build up a case, but the evidence must be new evidence obtained from other sources.

Although room for doubt exists, it would seem that the protection afforded by The Canada Evidence Act must be invoked formally, and does not exist automatically. Most witnesses will not, of course, be aware of any of this, and it seems only fair that this be explained to them.

Witnesses may always, of course, request of the committee that questions which they do not wish to answer (on grounds of self-incrimination or for any other reason) be withdrawn. If the committee insists, however, witnesses must answer any or all questions. Under section 45(1) of the Act, failure to answer is punishable as a contempt of the House.

It is the Committee's view that nothing would be lost and much gained by codifying the privileges of committee witnesses with an amendment to The Legislative Assembly Act.

All this is by way of protecting witnesses so that

they have no hesitation in coming before committees for fear of retaliation or legal action. It is exceptionally important, in the Committee's view, to recognize the very substantial cost associated with this protection: the possibility that it could be used by witnesses to make libelous statements with impunity, as far as legal proceedings are concerned. This could be extremely unfair to persons whose reputations are injured, for they have little, if any, recourse.

Some Members appear to believe that this problem may be resolved by requiring witnesses to give evidence under oath. By and large, however, this is not the case. The oath applies only to facts, that is, to statements of hard fact which the witness knows to be untrue and makes with the intention of misleading. The oath does not apply to statements of opinion, no matter how objectionable. The oath does permit prosecution for perjury, which may be easier to conduct than the House contempt procedure. However, to the extent that it depends on the involvement of the Attorney General and the courts, this is not an entirely satisfactory means for the Legislature to ensure truthfulness before its committees.

With further respect to the oath, it is fundamentally important to recognize that witnesses' privileges are not at all affected by administering the oath.

Section 45(1)6 of the Act renders "giving false evidence ... before the Assembly or a committee thereof"



a contempt of the House, punishable by the House. This provision applies at all times, and does not depend on a witness having sworn the oath. However, this procedure - which involves calling the person to the bar of the House - is cumbersome and difficult to bring to bear; in fact, it has never been used. Clearly, it would be used only in the most extreme circumstances; it is not for the House to arbitrate what are essentially private disputes. Thus, although the mechanism exists, the unwillingness of the House to use it means that this provision of the Act offers little redress for persons adversely affected by witnesses' statements. It might, however, have some deterrent effect were it brought to witnesses' attention.

In sum, neither the oath nor the House's contempt procedure are of much help for third parties in rectifying or preventing damage done them by statements of committee witnesses.

The Committee recognizes that there are no easy answers to this conundrum -- ensuring that witnesses feel sufficiently protected to speak openly without granting them licence to harm others.

A number of possibilities exist for rectifying the situation; none, however, are without significant drawbacks. For example, a distinction might be drawn between witnesses who are summoned by a Committee and witnesses who appear in response to advertisements, or who otherwise

request an opportunity to speak before a Committee. The existing privileges might be maintained for the former, but withdrawn for the latter. This change, which would require an amendment to The Legislative Assembly Act, would reduce the problem of persons 'walking in off the street and making wild accusations', but it is not addressed to the situation of a summoned witness making similarly objectionable statements.

Alternately, the Act might be amended to withdraw all witnesses' privileges unless they are specifically requested. This would require much more careful attention to advising witnesses of the protection available to them. Such a change would raise some difficult questions as to whether privileges would, as a matter of course, be granted if requested, and on what grounds a committee should decide to extend or deny privilege if privilege is not to be granted automatically. It would likely also generate greater recourse to counsel on the part of witnesses, to ensure that they receive maximum protection.

The Committee has considered the possibility of reducing or removing witnesses' privileges, but has been unable to reach a clear consensus. In any event, the Committee would be hesitant to recommend such a far-reaching change without ensuring that the repercussions were fully understood and without encouraging all Members to make known their views.



In approaching these issues, the Committee endorses the carefully thought-out principles set out by the Australian Attorney General and Solicitor General in their 1972 report, Parliamentary Committees: Powers Over and Protection Afforded Witnesses:

Whatever steps are taken to protect witnesses, it seems necessary to retain a degree of flexibility in the parliamentary committee system. The conduct of a committee's hearing should always be fair to witnesses and calculated to ensure that their privacy is not invaded or their reputations injured any further than is necessary to perform the committee's functions. However, it does not follow that, in order to protect witnesses, rigid procedures must be adopted. The Courts have never taken this view with regard to administrative bodies which they thought were bound to act judicially and there seems to be less reason to do so in the case of parliamentary committees where private rights are not in issue. If rigid procedures were introduced, they could no doubt be used by some to prevent committees from achieving their object. In other words, the definition of procedures to protect witnesses must have in mind the need to achieve a balance between what is necessary to achieve adequate protection for witnesses and what is necessary to enable parliamentary committees to function effectively. In achieving this balance it is also important to have in mind the possibility that those procedures which the Courts have traditionally adopted to protect witnesses are not necessarily those which are either adequate or appropriate in a parliamentary committee hearing.

Another significant matter to be borne in mind is that the value and effectiveness of an investigation will usually depend on the quality of the evidence adduced. The purpose of Committee investigation is not usually to try a person (it may be in some cases where contempt is alleged) but to ascertain facts relevant to the exercise of the legislature's functions. Experience has shown that the best evidence is adduced in a calm and judicial atmosphere where the witness is free of any external pressures. This is as true of a parliamentary committee hearing as it is of a Court hearing and it is an important reason why in some cases evidence should be heard in camera rather than in public.

... in the case of parliamentary committees, the protection of witnesses and third parties is more likely to be achieved by the wise exercise of discretion as the hearing proceeds, rather than by the adoption of rigid procedures which might over-formalise the proceedings and destroy the effectiveness of the committee as an instrument of parliamentary investigation.<sup>6</sup>

Although they occasionally take evidence in camera, Ontario committees place a very high value on conducting their business in open session. The Committee therefore recommends that the current practice of hearing witnesses in camera only in highly unusual circumstances not be altered.

#### RIGHT TO COUNSEL

It is by now generally recognized that no committee will object to a witness being accompanied by counsel to offer advice. It would probably not hurt, however, to have this formally acknowledged in some way. This raises a problem of sorts: although in the intent of fairness it would seem that witnesses should be advised of this right to counsel, this would have to be done carefully in order that the witness not presume that he is being told in effect to engage counsel.

The more difficult question of whether witnesses' counsel should be permitted to speak in committee meetings has come up several times recently. The precedents are mixed and this is clearly a matter to be

<sup>6</sup> Hon. I. J. Greenwood and R. J. Ellicott, Parliamentary Committees: Powers Over and Protection Afforded to Witnesses, Parliamentary Paper No. 168/1972, p.74-5.



decided by each committee on its own merits. Generally, the practice has been not to permit witnesses' counsel to speak (or what is usually at issue, to engage in cross-examination). The Committee agrees that this is the preferable course of action, on the principle that committees should normally try to avoid adversarial, court-like proceedings. In exceptional circumstances, though, it might be appropriate to permit witnesses' counsel to participate actively in committee debate, so that no formal rule ought to be instituted.

#### PUBLIC SERVANTS AS WITNESSES

The Committee is concerned that neither the Members of the Assembly nor the public servants themselves are sufficiently aware of the full implications of public servants appearing before committees. This is especially serious in view of the large numbers of public servants who appear before committees.

Committee consideration of estimates often follows an informal format, featuring 'nice little chats' between Members and Ministry officials over policy matters. This tends to deflect attention from the fact that such officials are clearly witnesses, giving testimony to legislative committees, with all the rights and obligations this entails. Testifying before a committee must at all times be treated seriously, with a full appreciation of the potential consequences. The fact that public servants

are often seated at the front of the committee room beside the Chairman or the Minister may imply that they enjoy a special status, akin to membership on the committee. The Committee feels it important that Members and public servants alike be disabused of this erroneous notion, and that the appearance of public servants before committees be treated less lightly than at present.

In one sense, of course, public servants are in a different position from other witnesses, for they may be asked to testify about matters which come under the realm of "crown privilege". The Commission on the Legislature touched briefly upon this point:

The Commission does not wish to make any recommendations which would undermine the doctrine of ministerial responsibility or expose civil servants to unfair and constitutionally incorrect examination. We believe, however, that if senior officials and members of committees both know and accept the constitutional principle, it is possible, practical and expeditious to have officials give evidence and reply to questions in committees without the Minister concerned always being present. When he cannot be present and he gives permission for his officials to appear, we think the traditions of fair behaviour in the Legislature's committees will safeguard his ministerial responsibility. So will the clear understanding that an official may always refuse to answer any question, in whole or in part, and refer it to the Minister's consideration. That is, when a question requires an answer expressing opinions on policy or interpretations of Governmental (particularly Cabinet) considerations, the official may defer that question to the Minister, and he cannot be forced by a vote of the committee to answer it. On the other hand, when the committee, through its chairman, decides it is desirable that the Minister



himself appear before the committee, the request should be given prompt ministerial attention and be fitted into his timetable if at all possible.<sup>7</sup>

The Committee endorses this common-sense approach yet again it feels that too much looseness exists in current committee practice of questioning of public servants, and that a clearer appreciation of the important issues involved would be beneficial.

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<sup>7</sup> Fourth Report (September, 1975), p.69.

## CONCLUSION

It is the Committee's hope that this report has established how important it is that the Legislature take steps to pay more attention to witnesses before committees and to clarify their position. Even the brief review presented here should serve to demonstrate the complexity of this issue and the need for a thorough, thoughtful evaluation of the entire subject.

Accordingly, the Committee recommends that:

Pursuant to section 2(1) (d) of The Ontario Law Reform Commission Act, the Attorney General refer the matter of witnesses before legislative committees to the Ontario Law Reform Commission for study and recommendation.

Appendix A contains a series of questions which may guide - but should not limit - the Commission's enquiry.

Finally, the Committee should like to emphasize, in the strongest possible terms, the weight of responsibility resting upon Committee Chairmen to protect witnesses and to protect persons who may be mentioned by witnesses. The Committee is not about to tell Chairmen how to run their Committees, but it does feel it essential that Chairmen are aware of the pitfalls and uncertainty surrounding committee witnesses, and are familiar with the provisions of The Legislative Assembly Act and the federal and provincial evidence acts respecting



witnesses (See Appendix B). Chairmen must be prepared to explain to witnesses their rights and obligations, to intervene to protect witnesses from unfair questioning and to protect third parties from objectionable comments by witnesses. The good judgment of the Chairman is one of the most important protections enjoyed either by witnesses or by third parties whom witnesses mention.

## APPENDIX A

## QUESTIONS FOR THE LAW REFORM COMMISSION:

- 1) Do witnesses before committees have different rights, privileges and obligations according to whether they
  - (a) appeared of their own volition, (for example, in response to an advertisement)
  - (b) appeared at the request of the committee
  - (c) were summoned to appear by Speaker's warrant
- 2) If no distinction currently exists between types of witnesses, what would be the implications of creating, by legislation, distinctions in the privileges accorded different types of witnesses?
- 3) Does Section 37 of The Legislative Assembly Act apply to witnesses? Could this section be made to apply to witnesses?
- 4) Does a committee have an obligation to inform a witness of all the duties, privileges and possible penalties which currently exist for witnesses?
- 5)
  - (a) Do public servants enjoy a different status as committee witnesses from other citizens?
  - (b) Is there a conflict between the provisions of The Legislative Assembly Act relating to witnesses and the oath sworn by public servants?
- 6) What is the legal status of the oath administered to witnesses under section 58 of The Legislative Assembly Act?
- 7) Should the right of witnesses to counsel be recognized in The Legislative Assembly Act?
- 8) Under what circumstances may the testimony of a committee witness be used in a civil proceeding or a criminal proceeding?
- 9) In what ways should The Legislative Assembly Act be amended to clarify the privileges and obligations of witnesses?



- 10) What would be the implications of committees extending privilege only to witnesses who requested it?
- 11) What are the constitutional limits on the privileges the Assembly may extend to committee witnesses?

## APPENDIX B

## EXCERPTS FROM RELEVANT STATUTES

## The Ontario Evidence Act

9.—(1) A witness shall not be excused from answering any question upon the ground that the answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person or to a prosecution under any Act of the Legislature.

(2) If, with respect to a question, a witness objects to answer upon any of the grounds mentioned in subsection 1 and if, but for this section or any Act of the Parliament of Canada, he would therefore be excused from answering such question, then, although he is by reason of this section or by reason of any Act of the Parliament of Canada compelled to answer, the answer so given shall not be used or receivable in evidence against him in any civil proceeding or in any proceeding under any Act of the Legislature. R.S.O. 1960, c. 125, s. 9.

## The Canada Evidence Act

5. (1) No witness shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person.

(2) Where with respect to any question a witness objects to answer upon the ground that his answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for this Act, or the Act of any provincial legislature, the witness would therefore have been excused from answering such question, then although the witness is by reason of this Act, or by reason of such provincial Act, compelled to answer, the answer so given shall not be used or receivable in evidence against him in any criminal trial, or other criminal proceeding against him thereafter taking place, other than a prosecution for perjury in the giving of such evidence. R.S., c. 307, s. 5.



## The Legislative Assembly Act

Power to  
compel  
attendance  
of witnesses,  
etc.

**35.**—(1) The Assembly may at all times command and compel the attendance before the Assembly or a committee thereof of such persons, and the production of such papers and things, as the Assembly or committee considers necessary for any of its proceedings or deliberations.

Speaker's  
warrant for  
attendance,  
etc.

(2) When the Assembly requires the attendance of a person before the Assembly or a committee thereof, the Speaker may issue his warrant directed to the person named in the order of the Assembly requiring his attendance before the Assembly or committee and the production of the papers and things as ordered. R.S.O. 1970, c. 240, s. 35.

Privilege of  
speech, etc.

**37.** A member of the Assembly is not liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof. R.S.O. 1970, c. 240, s. 37.

Jurisdiction  
of Assembly

**45.**—(1) The Assembly has all the rights and privileges of a court of record for the purposes of summarily inquiring into and punishing, as breaches of privilege or as contempts and without affecting the liability of the offenders to prosecution and punishment criminally or otherwise according to law, independently of this Act, the acts, matters and things following:

Assaults,  
insults,  
libels

1. Assault, insult or libel upon a member of the Assembly during a session of the Legislature or during the twenty days preceding or the twenty days following a session.

Threats

2. Obstructing, threatening or attempting to force or intimidate a member of the Assembly.

Bribery and  
offering of  
fee

3. Offering to, or the acceptance by, a member of the Assembly of a bribe to influence him in his proceedings as such, or offering to or the acceptance by a member of any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to or intended to be submitted to the Assembly or a committee thereof.

Interference  
with officers

4. Assault upon or interference with an officer of the Assembly while in the execution of his duty.

Tampering  
with witness

5. Tampering with a witness in regard to evidence to be given by him before the Assembly or a committee thereof.

committee, or the setting or subscribing by any person of the name of another person to any such document or petition with intent to deceive.

10. Taking any civil proceeding against, or causing or effecting the arrest or imprisonment of a member of the Assembly in any civil proceeding, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof. Taking civil proceedings against member
11. Causing or effecting the arrest, detention or molestation of a member of the Assembly for any cause or matter of a civil nature during a session of the Legislature or during the twenty days preceding or the twenty days following a session. Arresting member for debt, etc

(2) For the purposes of this Act, the Assembly possesses all the powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing of the acts, matters or things mentioned in subsection 1 and for awarding and carrying into execution the punishment thereof. R.S.O. 1970, c. 240, s. 45. Jurisdiction given as to inquiring and punishing

**46.** Every person who, upon such inquiry, is found to have committed or done any of the acts, matters, or things mentioned in section 45, in addition to any other penalty or punishment to which he may by law be subject, is liable to imprisonment for such time during the session of the Legislature then being held as is determined by the Assembly. R.S.O. 1970, c. 240, s. 46. Punishment for contravention of s. 45

**58.** Any standing or special committee of the Assembly may require that facts, matters and things relating to the subject of inquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine witnesses upon oath, and for that purpose the chairman or any member of the committee may administer the oath in Form 2. R.S.O. 1970, c. 240, s. 58. Power of committees to examine on oath

## FORM 2

(Section 58)

### OATH OF WITNESSES

The evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth, and nothing but the truth. So help you God.

R.S.O. 1970, c. 240, Form 2.









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